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 8 CAROLYN BRYAN AND DAVID CLARK

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12 UNITED STATES DISTRICT COURT  
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 14 NORTHERN DISTRICT OF CALIFORNIA

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|                                   |   |                                 |
|-----------------------------------|---|---------------------------------|
| 16 CAROLYN BRYAN AND DAVID CLARK, | ) | CASE NO. C-08-03480 EMC         |
| 17                                | ) |                                 |
| 18 Plaintiffs,                    | ) | STIPULATION OF DISMISSAL OF     |
| 19                                | ) | ACTION BROUGHT BY DAVID CLARK   |
| 20 v.                             | ) | ONLY ; <u>ORDER</u>             |
| 21                                | ) |                                 |
| 22 MARK WAYNE DARRAH,             | ) |                                 |
| 23 SWD TRANSPORT LLC,             | ) |                                 |
| 24 AND DOES 1 TO 10,              | ) |                                 |
| 25                                | ) |                                 |
| 26 Defendants.                    | ) |                                 |
| 27                                | ) | MAGISTRATE JUDGE EDWARD M. CHEN |

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29 IT IS HEREBY STIPULATED by and between plaintiff DAVID CLARK  
 30 only and all defendants herein, through their respective designated  
 31 counsel, that the above-captioned action be and hereby is dismissed  
 32 with prejudice pursuant to FRCP 41(a)(1). Plaintiff CAROLYN BRYAN's  
 33 action herein is not being dismissed pursuant to this stipulation or  
 34 otherwise.

35 Dated: January 30, 2009

Dated: February 3, 2009

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37 Ron Maiden  
 38 RON MAIDENBERG, ESQ.  
 39 Attorney for Plaintiff  
 40 DAVID CLARK **IT IS SO ORDERED**

Jeffrey F. Oneal  
 JEFFREY F. ONEAL, ESQ.  
 Attorney for Defendant  
 SWD TRANSPORT LLC

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**EDWARD M. CHEN, MAGISTRATE JUDGE**